

EXHIBIT A

Schumacher, Andrew

From: Morrie Schulman <morrie.schulman@gmail.com>
Sent: Thursday, October 13, 2022 12:04 PM
To: Christopher Clough
Cc: Forestier, Tom; Tom Fritz; Paul J Heiligenthal; Robertson, Christopher; Rodriguez, Angela; Schumacher, Andrew; Shannon "Shay" Kackley - Municipal Operations Division, City of Austin Law Department (Shay.Kackley@austintexas.gov)
Subject: Re: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

I am available on Nov 14 - 16 but not on the 17th.

Thanks,

Morrie

On Thu, Oct 13, 2022 at 11:45 AM Christopher Clough <clough@barronadler.com> wrote:

Special Commissioners:

I will get back to you in more greater detail, but the 10th and 11th are no longer options for us.

I would ask you to also provide your availability for the 16th and 17th.

And we will get back to you in greater detail.

Thanks.

Chris Clough, CRE

Managing Partner



clough@barronadler.com | www.barronadler.com

T: (512) 478-4995 | F: (512) 478-6022

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From: Forestier, Tom <tforestier@winstead.com>

Sent: Thursday, October 13, 2022 11:39 AM

To: 'Tom Fritz' <TFritz@fbhg.law>; 'Paul J Heiligenthal' <heiligenthals@sbcglobal.net>; 'Morrie Schulman' <morrie.schulman@gmail.com>

Cc: Christopher Clough <clough@barronadler.com>; Robertson, Christopher <crobertson@winstead.com>; 'Rodriguez, Angela' <Angela.Rodriguez@austintexas.gov>; Schumacher, Andrew <aschumacher@winstead.com>; Shannon "Shay" Kackley - Municipal Operations Division, City of Austin Law Department (Shay.Kackley@austintexas.gov) <Shay.Kackley@austintexas.gov>

Subject: RE: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Dear Special Commissioners,

I apologize for the delay in getting back to you. After I sent the email below on August 1, the AUS South Terminal tenant ("Tenant"), the defendant in this condemnation lawsuit, filed a separate federal lawsuit against the City of Austin without notice to the City later the same day. In the federal lawsuit, the Tenant seeks to enjoin the City from taking possession of the subject leasehold interest. The City has been focused on that lawsuit ever since and has sought to dismiss the lawsuit so that our previously-filed condemnation lawsuit may proceed. The City was ready to ask you to hold your hearing in September but Tenant's counsel, Mr. Clough, requested that you not hold a hearing until November, as reflected in the emails below. Mr. Clough identified the first few weeks in November as being convenient dates for your hearing. Yesterday, the Tenant amended its federal pleading and stated that, based on market valuations and other intrinsic and extrinsic evidence, it plans to prove hundreds of millions of dollars in damages. Thus, Tenant should now be ready to present evidence to you on that point. We will provide an appraisal report and other significant documents to you at least two days prior to the hearing.

Please let me know if you are available to conduct the hearing on November 10, 11, 14 or 15. Thank you.

Tom

Thomas J. Forestier

Winstead PC | 600 Travis Street | Suite 5200 | Houston, Texas 77002

713.650.2749 *direct* | 713.650.2400 *fax* | tforestier@winstead.com | <https://link.edgepilot.com/s/6bb8116e/Z2PTTr-mOY0KkY0DqkUabfg?u=http://www.winstead.com/>

From: Forestier, Tom

Sent: Monday, August 1, 2022 3:16 PM

To: Tom Fritz <TFritz@fbhg.law>

Cc: Christopher Clough <clough@barronadler.com>; Robertson, Christopher <crobertson@winstead.com>; Rodriguez, Angela <Angela.Rodriguez@austintexas.gov>; Paul J Heiligenthal <heilighenthals@sbcglobal.net>; Morrie Schulman <morrie.schulman@gmail.com>

Subject: RE: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Thank you, Tom. We are comparing schedules and will report back asap to confirm date(s) that work for my client. We will plan to deliver our appraisal report and other significant documents at least two days prior to the hearing. Thank you.

Tom

Thomas J. Forestier

Winstead PC | 600 Travis Street | Suite 5200 | Houston, Texas 77002

713.650.2749 *direct* | 713.650.2400 *fax* | tforestier@winstead.com | <https://link.edgepilot.com/s/6bb8116e/Z2PTTr-mOY0KkY0DqkUabfg?u=http://www.winstead.com/>

From: Tom Fritz <TFritz@fbhg.law>

Sent: Monday, August 1, 2022 9:58 AM

To: Forestier, Tom <tforestier@winstead.com>

Cc: Christopher Clough <clough@barronadler.com>; Robertson, Christopher <crobertson@winstead.com>; Rodriguez, Angela <Angela.Rodriguez@austintexas.gov>; Paul J Heiligenthal <heilighenthals@sbcglobal.net>; Morrie Schulman <morrie.schulman@gmail.com>

Subject: RE: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Tom, Chris -

I am late to the party on this and just catching up. Please correct my email address so I receive all future emails and other information which is disseminated regarding this matter.

Having now more thoroughly read the email string which was forwarded, I see that Chris has proposed we schedule the hearing during one of three weeks in November. Responding only regarding those proposed November weeks - during those weeks, I am currently available November 9, 10, 11, 14, 15, 16, 21, 22, and 23.

Knowing no more than what has been provided, but presuming there may be much at stake here for the parties, I have a concern that a typical 5 or 6 hour schedule for this may not be adequate. I suggest you consider asking the Commissioners to schedule either an early start and plan to work late as needed, or perhaps even two days.

Also, given what I presume will be a fairly spirited dispute over damages, I advise you now that I will request that copies of appraisals, and other significant reports or documentation which you plan to present at the hearing, be provided to the Commissioners a day or two in advance of the hearing.

Let me know if you have questions.

Tom

From: Forestier, Tom <tforestier@winstead.com>

Sent: Sunday, July 31, 2022 1:39 PM

To: Tom Fritz <TFritz@fbhg.law>

Cc: Christopher Clough <clough@barronadler.com>; Robertson, Christopher <crobertson@winstead.com>; Rodriguez, Angela <Angela.Rodriguez@austintexas.gov>

Subject: FW: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Mr. Fritz,

I just realized there was an error in your email address. I have copied lead opposing counsel, Mr. Clough, on this email. Thank you.

Tom

Thomas J. Forestier

Winstead PC | 600 Travis Street | Suite 5200 | Houston, Texas 77002

713.650.2749 *direct* | 713.650.2400 *fax* | tforestier@winstead.com | <https://link.edgepilot.com/s/6bb8116e/Z2PTmOY0KkY0DqkUabfg?u=http://www.winstead.com/>

From: Forestier, Tom <>

Sent: Wednesday, July 27, 2022 6:05 PM

To: Morrie Schulman <morrie.schulman@gmail.com>; tfritz@fbgh.law; pauljh1967@gmail.com

Cc: 'Christopher Clough' <clough@barronadler.com>; Christopher Oddo <oddo@barronadler.com>; Larry Slovensky <LSlovensky@kslaw.com>; Andrew York <york@barronadler.com>; Angela C. Rodriguez <Angela.Rodriguez@austintexas.gov>

Subject: RE: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Dear Special Commissioners,

I apologize for the delay in my response. Angela Rodriguez and I represent the City of Austin in this matter. I have attached the order appointing each of you as Special Commissioners and a letter from Judge Herman. I understand you should receive written notification from the Court confirming your appointment now that the deadline to strike has passed.

I am checking with my client and our witnesses about the November dates suggested by Mr. Clough. I had conferred with him last week about some September dates that he had indicated were open for other purposes. My intent was to propose an agreed upon hearing date to you, but I learned from his email to you that his client prefers November. I will report back soon regarding the November dates.

Thank you for your service in this matter.

Tom

Thomas J. Forestier

Winstead PC | 600 Travis Street | Suite 5200 | Houston, Texas 77002

713.650.2749 *direct* | 713.650.2400 *fax* | tforestier@winstead.com | <https://link.edgepilot.com/s/6bb8116e/Z2PTmOY0KkY0DqkUabfg?u=http://www.winstead.com/>

From: Christopher Clough <clough@barronadler.com>

Sent: Wednesday, July 27, 2022 2:16 PM

To: Morrie Schulman <morrie.schulman@gmail.com>

Cc: tfritz@fbgh.law; pauljh1967@gmail.com; Forestier, Tom <tforestier@winstead.com>; Christopher Oddo <oddo@barronadler.com>; Larry Slovensky <LSlovensky@kslaw.com>; Andrew York <york@barronadler.com>

Subject: Re: City of Austin v. Lonestar Airport Holdings, LLC, et al; Cause No. C-1-PB-220-001462; Probate Court 1, Travis County

Morrie:

Thanks for getting back to us. Tom Forestier is (outside) counsel for the City on this matter. He is copied here and was copied on the initial email I sent.

Chris Clough

clough@barronadler.com

On Jul 27, 2022, at 1:07 PM, Morrie Schulman <morrie.schulman@gmail.com> wrote:

Chris -

I have received no correspondence from the City about appointment to this case and do not see an email address to counsel as you indicated. Can you please forward it?

I am currently available on all dates except November 7 and 8.

Thanks for your message.

Morrie

Morrie Schulman, Realtor

Schulman Properties

512-773-3098

On Mon, Jul 25, 2022 at 8:16 PM Christopher Clough <clough@barronadler.com> wrote:

Commissioners:

Now that you have been appointed to serve as special commissioners in this matter, we wanted to reach out regarding some logistical issues. Counsel for the City is copied here.

This may be one of the more important and significant attempted eminent domain takings in this City in many years. The issues are complicated, the taking is novel, and frankly we do not believe that this is a taking that can legally go forward. We strongly disagree that the City has the right to take Lonestar's rights under the parties' 2016 South Terminal Lease and Concession Agreement in the way the City has attempted, and we believe that the City's actions raise serious constitutional and legal concerns. Lonestar is considering all remedies and continues to reserves all rights in connection with the City's conduct here.

However, we recognize you cannot decide that issue and your only obligation is to set the hearing as soon as practicable. Initial conversations with counsel for the City seem to be pushing toward a rushed hearing with a hearing setting in the near term. Given that, we feel best to respond directly to you with our availability for a hearing. As you know, the hearing is to be set "as soon as practicable," which, especially in a complicated and important case like this, must mean that window of time when both parties can have necessary counsel and experts available. Due to the complexity of this case, we would need to have a number of witnesses to present our case at a hearing. We have vetted everyone's calendars and we can provide the following weeks when everyone would be free for a hearing:

- Week of Nov. 7, 2022
- Week of Nov. 14, 2022
- Week of Nov. 21, 2022 (prior to Thanksgiving)

This should give ample time within which we can find a day that works for everyone, and it is consistent with the typical timeframe lag that we have been experiencing in setting cases for the various City and State transportation projects on which you have likely served. It is also consistent with the course of dealing that we have in Travis County of setting hearings when everyone is available. The City's counsel has been asking for a hearing in mid-September, which does not work with our calendars. We examined those dates and we simply have too many conflicts to be available. In addition dates in the rest of September and October are not available due to expert, client and attorney conflicts.

Chris Clough, CRE

Managing Partner



clough@barronadler.com | https://link.edgепilot.com/s/0b60b411/41kxD4_ptkKNwQHQjTmELq?u=http://www.barronadler.com/

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